

THE HONORABLE JAMES L. ROBERT

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

FRANTZ SAMSON, a Washington resident,
individually and on behalf of all others similarly
situated,

Plaintiff,

v.

UNITEDHEALTHCARE SERVICES, INC.,

Defendant.

NO. 2:19-cv-00175-JLR

**STIPULATED MOTION AND
~~PROPOSED~~ ORDER EXTENDING
CASE MANAGEMENT DEADLINES**

Note on Motion Calendar: August 12, 2019

Pursuant to LCR 16(a)(2), the parties respectfully submit this stipulated motion to amend the case schedule to extend the current deadlines to brief class certification and associated discovery deadlines based on the following:

1. Plaintiff filed this proposed class action lawsuit in King County Superior Court on January 9, 2019. Defendant denies Plaintiff's allegations and has asserted various affirmative defenses.

2. Plaintiff served his first set of written discovery requests on May 3, 2019.

3. After denying Defendant's motion to stay this case until the FCC defines the terms "called party" and "ATDS," (Dkt. #41), this Court entered an Amended Scheduling Order based on the parties' stipulation (Dkt. #43). The Amended Scheduling Order was entered on May 20, 2019.

4. The Amended Scheduling Order set a deadline of September 9, 2019 for Plaintiff to disclose his experts and expert reports relating to class certification. *See id.* The parties proposed this deadline because they believed Defendant could produce classwide calling data sufficiently in advance of the deadline for Plaintiff's experts to complete their work.

5. Defendant responded to Plaintiff's first discovery requests on June 7, 2019, and indicated that it would produce class calling data at a later time. The parties met and conferred about Defendant's discovery responses and Defendant's counsel indicated that Defendant would try to produce the calling data by August 9, 2019. On August 7, 2019, Defendant's counsel informed Plaintiff's counsel that due to the size of the data and limited resources it will not be able to complete its production of calling data until the end of the month.

6. The parties are working diligently to complete discovery. Defendant has indicated it will produce documents responsive to Plaintiff's discovery requests this week and will produce a portion of the calling data next week. The parties also have been working cooperatively to schedule depositions to take place at the end of this month.

7. The parties seek a short 30-day extension of the current deadlines to provide Defendant time to produce calling data and for Plaintiff's experts to analyze it and draft their reports. The parties propose the following amended schedule

EVENT	CURRENT DEADLINE	PROPOSED DEADLINE
Deadline to join additional parties and amend pleadings	July 15, 2019	N/A
Plaintiff's disclosure of experts related to class certification	September 9, 2019	October 4, 2019
Defendant's disclosure of experts related to class certification	October 7, 2019	November 1, 2019

EVENT	CURRENT DEADLINE	PROPOSED DEADLINE
Plaintiff's disclosure of rebuttal experts	November 4, 2019	December 2, 2019
Deadline to complete expert depositions	November 22, 2019	December 20, 2019
Plaintiff's motion for class certification due	December 13, 2019	January 17, 2020
Defendant's class certification response due	January 17, 2020	February 14, 2020
Plaintiff's class certification reply due	January 31, 2020	February 28, 2020

8. Good cause exists to change the scheduling order dates. Due to the volume of the class calling data and Defendant's limited resources, the current schedule does not build in time for the parties to complete ESI discovery and expert work relating to the claims and defenses. The parties' proposed schedule provides time for the parties to conduct fact and expert discovery related to class certification before class certification is briefed. The proposed extensions of time will not unduly delay the prosecution of the case.

Accordingly, the parties respectfully request an order extending the deadlines consistent with the schedule described in paragraph 7 of this submission.

RESPECTFULLY SUBMITTED AND DATED this 12th day of August, 2019.

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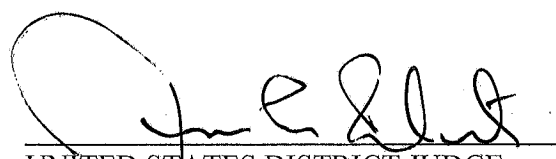
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Attorneys for Defendant

~~PROPOSED~~ ORDER 

IT IS SO ORDERED.

Dated this 12th day of August, 2019.


UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

I, Jennifer Rust Murray, hereby certify that on August 12, 2019, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

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